

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE PENA-MENA,

Defendant.

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8:11CR30

ORDER

This matter is before the court on the motion for an extension of time by defendant Jose Pena-Mena (Pena-Mena) (Filing No. 24). Pena-Mena seeks an extension of time in which to file pretrial motions in accordance with the progression order. The court held a telephone conference with counsel on April 1, 2011. Upon consideration and for good cause shown, the motion will be granted

IT IS ORDERED:

Defendant Pena-Mena's motion for an extension of time (Filing No. 24) is granted. Pena-Mena is given until **on or before April 29, 2011**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 4, 2011, and April 29, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 4th day of April, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge